

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

Commodity Futures Trading Commission, *et al.*

Plaintiffs,

v.

TMTE, Inc. a/k/a metals.com, Chase Metals Inc., Chase Metals, LLC, Barrick Capital, Inc., Lucas Thomas Erb a/k/a Lucas Asher a/k/a Luke Asher, and Simon Batashvili,

Defendants.

Civil Action No. 3:20-CV-2910-L

**INDIVIDUAL DEFENDANTS' REQUEST FOR A HEARING ON THEIR
EMERGENCY MOTION TO MODIFY PRELIMINARY INJUNCTION**

Pursuant to Rule II.B of this Court's procedures, Individual Defendants respectfully submit this request for a hearing on their Emergency Motion to Modify Preliminary Injunction (the "Motion") (Dkt. No. 232). In light of the complexity and novel nature of the issues presented regarding the property of the CFTC's jurisdiction and the magnitude of the equitable interests at stake, the Individual Defendants believe that a hearing, including the opportunity for the Court to pose questions to counsel, would be of assistance to the Court in ruling on the Motion.

Dated: May 4, 2021

Respectfully submitted,

/s/ Gene R. Besen

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CERTIFICATE OF SERVICE

I certify that all counsel of record who have consented to electronic service were served with a true and correct copy of the foregoing document via the Court's CM/ECF system on this 4th day of May, 2021.

/s/ Gene R. Besen

Gene R. Besen